



MEMORANDUM

TO: Plan and Zoning Commission
FROM: Eric C. Jensen, AICP
DATE: September 7, 2010
RE: Terrell/Bell Sketch Plan and Infrastructure Waiver Request

After completing the staff report and distributing the packets to the Plan and Zoning Commission members for this week's meeting, City staff has had an opportunity to discuss the unique circumstances of this request with the City Attorney. The additional lot has no negative impact on the physical layout of the subject site or the surrounding area – thus the recommendation for approval of the Sketch Plan as submitted. Staff's concerns are generally the potential for setting a precedent of waiving the public infrastructure requirements of the Municipal Code and the creation of a potential future obstacle to the orderly urban development of the surrounding area.

With regard to setting a precedent, it could certainly be argued that there are enough unique circumstances surrounding this property that granting the requested waivers would not establish a negative precedent that could undermine the important requirements of the Subdivision Regulations. For instance, the subject site was annexed into the City of Ankeny in 1974. It was annexed voluntarily and State Code does not establish a minimum timeframe in which a Municipality is required to provide public infrastructure to land that is voluntarily petitioned for annexation. However, one would typically expect that public infrastructure would be available to this property within this timeframe. Additionally, a request was granted in 1989 waiving the requirement of subdivision platting to allow the subject site to be split from a previously existing seven acre parcel. Even though development within the Ankeny City Limits has begun to occur east of Interstate 35, very little has changed in this immediate area since 1989. Subdivision of the subject property to create an additional single family detached home will have little impact on the overall development of this portion of the community.

The creation of future obstacles to the orderly urban development is a genuine concern that the City faces routinely in its urban fringe. However, it is possible that a Development Agreement could be executed between the property owner, the applicant (future property owner) and the City of Ankeny, that outlines the future requirement for the installation of the applicant's fair share of the required public infrastructure, thereby, not only ensuring the future installation of the public infrastructure but also minimizing the City's risk for opposition as orderly urban development moves into this area.

With this in mind, should the Plan and Zoning Commission choose to recommend approval, staff suggests the following motion:

That the Plan and Zoning Commission recommend approval of the request to waive the requirement to install public infrastructure per the Municipal Code, subject to the execution of a development agreement between the property owner, the applicant and the City of Ankeny, documenting the responsibility for the future installation of the required public infrastructure at such time as deemed appropriate by the Ankeny City Council.